

CHESHIRE EAST COUNCIL

Community Governance Review Sub-Committee

Date of Meeting: 27th April 2012
Report of: Borough Solicitor
Subject/Title: Macclesfield Community Governance Review

1 Report Summary

- 1.1 This paper is intended as an initial briefing paper to provide Members with an outline of the process to be followed in conducting the Macclesfield Community Governance Review. It is based on the statutory guidance in respect of the process for creating a new local council '[Guidance on Community Governance Reviews](#)' issued by the Department for Communities and Local Government (DCLG) and the Electoral Commission.

2 Background

- 2.1 The Constitution Committee at its meeting on 2nd June 2011 had resolved as follows:

That

- (1) a Borough-wide review of community governance arrangements for Cheshire East be conducted to consist of the following areas, and be undertaken in order of priority as listed:
 - (a) a review of the unparished areas of Crewe in accordance with the Notice of Motion to Council on 14th October 2010;
 - (b) a review of the unparished areas of Macclesfield in response to the representations made by the Macclesfield Civic Society;
 - (c) a review of parishes in the Borough, with particular focus on areas where there is evidence that parish councils are not fully functional or not operating effectively due to a lack of parish councillors being elected; or where very small parishes exist which may benefit from a grouping arrangement to facilitate the Localism agenda;
- (2) a sub-committee of six members be appointed (4 Con; 1 Lab; 1 Ind) with delegated authority to conduct the review; and

- (3) Macclesfield Civic Society be informed of the Committee's decision regarding the scope of the review.
- 2.2 The Crewe Community Governance Review has now reached the second stage of consultation and is dealt with in another report.
- 2.3 At its meeting on 13th March 2012, the Community Governance Review Sub-Committee gave preliminary consideration to the timing of the next community governance review, which would relate to the unparished area of Macclesfield. The Sub-Committee asked that a draft project plan be submitted to its next meeting for consideration.
- 2.4 The representations made by the Macclesfield Civic Society as referred to in resolution (1)(b) above are attached at **Appendix 1**.
- 2.5 At the Sub-Committee's meeting on 26th July 2011, Members noted that as the community governance review moved around the Borough, the Sub-Committee's membership may need to be reviewed so that Members of appropriate knowledge and experience could participate.

3 Procedure

- 3.1 Set out below, by way of reminder to Members, is the procedure to be followed in conducting the Macclesfield community governance review.
- 3.2 Since February 2008 the decision-making power about matters such as the creation of parishes and their electoral arrangements has been devolved from the Secretary of State and the Electoral Commission to principal councils such as Cheshire East.
- 3.3 Cheshire East Council can decide whether to give effect to the recommendations made arising from the Community Governance Review provided it takes the views of local people into account.
- 3.4 This process will follow several phases which are outlined below:
- Determine the viable options for community governance in the area under review
 - Draw up a consultation plan for consulting on these options
 - Stage 1 consultation on options
 - Evaluation and analysis of responses
 - Draft recommendations for the Constitution Committee to consider for recommendation to Council
 - Draft proposal advertised
 - Stage 2 consultation on the draft proposal
 - Council decides outcome of the review process
- 3.5 A draft project plan is included in this report as **Appendix 2**. This is intended to be an initiating document to aid project planning. The time scales will be continually reviewed and updated.

- 3.6 The consultation stages of the review will be critical to the process. As such, the Sub-Committee needs to:
- agree a list of consultees (draft list at **Appendix 3**)
 - agree the methods of consultation to be used
 - agree the timing of the consultation stages
- 3.7 Other key considerations:
- The impact of community governance arrangements on community cohesion
 - The size, population and boundaries of a local community or parish
 - Parishes should reflect distinctive and recognisable communities of interest with their own sense of identity
 - The degree to which the proposals offer a sense of place and identity for all residents
 - The ability of the proposed authority to deliver quality services economically and efficiently providing users with a democratic voice
 - The degree to which a town or parish council would be viable in terms of a unit of local government providing at least some local services that are convenient, easy to reach and accessible to local people
- 3.8 Any views received as part of the consultation process must be taken into account.
- 3.9 The view of the Electoral Commission must be sought on any proposed electoral arrangements.
- 3.10 The intention is that the initial phase of consultation will be based largely on written representations received in response to public notices and specific invitations. It is suggested that at least two public meetings be held to give interested parties the opportunity to express their views in a public forum, and that a postal ballot of the electorate be conducted. The Sub-Committee will need to consider the wording and the format of the ballot paper. It is recommended that the Cheshire East website be used to encourage feedback online, and as the main mechanism for the availability of information.
- 3.11 It is recommended that an explanatory leaflet be prepared and distributed to the consultees, outlining the details of the review and the options being consulted upon. Examples of the explanatory leaflet and ballot papers used in the Crewe Community Governance Review will be available at the meeting for the Sub-Committee to consider and adapt as required.

4 Criteria when undertaking a review

- 4.1 In considering the results of the consultation and formulating recommendations, Members will be required to ensure that the community governance within the area under review will be:
- reflective of the identities and interests of the community in that area; and

- effective and convenient

4.2 Key considerations for the Sub-Committee to identify if the review meets the criteria include:

- The impact of community governance arrangements on community cohesion
- The size, population and boundaries of local communities or parishes
- Parishes should reflect distinctive and recognisable communities of interest with their own sense of identity
- The degree to which the proposals offer a sense of place and identify for all residents
- The ability of the proposed authority to deliver quality services economically and efficiently whilst providing users with a democratic voice
- The degree to which a town or parish council would be viable in terms of a unit of local government providing some local services that are convenient and accessible to local people

4.3 The guidance also indicates that as part of the review other viable options should be considered to determine whether they represent a better option in terms of addressing the criteria. The options identified in previous reviews are as follows:

Area committees: formed as part of the structure of principal Councils, often including Councillors. They can be involved in a wide range of service provision and fulfil a number of community governance roles. Their primary role is to contribute to the shaping of Council services and improving local service provision. In Cheshire East, the Local Area Partnerships provide a coherent and consistent pattern across the borough by coordinating partners in small local areas.

Neighbourhood management: generally aimed at service delivery improvement and implementation at a local level, facilitated by a neighbourhood manager rather than advising or making decisions at a local level.

Tenant Management Organisations: largely public/social housing focused and estate based.

Area/Community Forums: mechanisms to give communities a say on principal Council matters or local issues and to influence decision-making. Membership usually consists of those people living or working in a specific area.

Residents'/Tenants' Associations: usually neighbourhood/estate focused, established with or without direct support from the principal Council.

Community Associations: democratic model for local residents and community organisations to work together for the benefit of the

neighbourhood. The principal Council may be represented on the management committee.

Multiple Parish Councils: these may best meet the community cohesion requirements of the review, and may use natural geographical boundaries to form communities.

- 4.4 In addition, the recently-enacted Localism Act may provide further opportunities for developing alternative community governance arrangements, such as working with existing Community Trusts and/or creating new ones for an integrated approach to local governance and service delivery in particular areas. Enquiries are being made of the Department for Communities and Local Government to seek further information and guidance.

5 Recommendations and decision on the review outcome

- 5.1 The guidance requires that recommendations must be made with respect to the following:
- The need to ensure that community governance reflects the identities and interests of the community in the area, and is effective and convenient.
 - Any other arrangements that have been made for the purposes of community representation or engagement.
 - Any representation received supported by evidence which demonstrates that the community governance arrangements would meet the criteria.

6 Electoral Arrangements

- 6.1 The Review must give consideration to the electoral arrangements that should apply in the event that a Parish or Town Council is established. In particular, the following must be considered:
- The ordinary year of election – the first year would be the 2015 Borough and Parish Elections.
 - Council size – the number of councillors.
 - Parish/Town warding – whether the town or parish should be divided into wards; the number and boundaries of any such wards; the number of councillors per ward; the names of any such wards.

7 Background Documents

- 7.1 The Sub-Committee will be provided with the current electorate and an outline map showing the area under review.

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